

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**MEMORANDUM**

JS 6

Case No. CV 12-6630 DSF (AGR<sub>x</sub>)

Date 11/9/12

Title Robert Moores v. Allis Chambers Corp. Product Liab. Trust, et al.

Present: The Honorable DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:** (In Chambers) Order GRANTING Motion to Remand (Dkt. No. 86)<sup>1</sup>

This case was removed by Defendant Lockheed Martin Corporation pursuant to 28 U.S.C. § 1442 based on the federal contractor defense. The Court finds that it most likely had jurisdiction at the time of removal. However, Plaintiff now clarifies his claims by explicitly waiving all claims “against defendant Lockheed Martin Corporation relating to or arising out of plaintiff’s asbestos exposure at military and federal government jobsites or from U.S. military vessels or missiles.” (Dkt. No. 32.) Given this, there is no further basis for federal defendant jurisdiction. While there may be a basis for cross-claims by other defendants against Lockheed Martin based on Lockheed Martin’s government contracting activities, no such claims have been formally pleaded at this point. Virtually no proceedings have occurred in this Court at this time, making it appropriate to decline supplemental jurisdiction pursuant to 28 U.S.C. § 1367(c).

The motion to remand is GRANTED. The case is remanded to the Superior Court of California, County of Los Angeles.

IT IS SO ORDERED.

<sup>1</sup> The Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78; Local Rule 7-15. The hearing set for November 19, 2012, is removed from the Court’s calendar.